

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

In re:

Case No. 18-10575-AEC

SHANNON DIONNE MATHIS, Debtor(s)

Chapter 7

RESPONSE TO MOTION REGARDING THE AUTOMATIC STAY AND DECLARATION(S) IN SUPPORT

Date: August 22, 2018

Time: 10:00 am

Courtroom: US Bankruptcy Court Place: 201 W. Broad Avenue Albany, Georgia 31701

EAZY RIDE AUTO SALES, Movant

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

COME NOW the Debtor, Shannon Dionne Mathis and hereby submits this Opposition to the Motion for Relief from the Automatic Stay filed by Movant, Eazy Ride Auto Sales.

This Opposition is made and based upon all files, pleadings, and records on file herein, together with the points and authorities attached herein, the declaration of respondent disputes the allegations/evidence contained in the Motion and contends as follows:

Movant's description of the status of the unlawful detainer proceeding is not accurate.

Date: Wuy DOR

Respondent (Printed)

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Respondent (Signature)

STATEMENT OF FACTS

On, May 15, 2018, Debtor, Shannon Dionne Mathis filed a voluntary Petition for bankruptcy pursuant to Chapter 7 of the U.S. Bankruptcy Code.

On, June, 27, 2018, Eazy Ride Auto Sales, Movant filed a Motion for Relief from Stay as to the Debtor and her bankruptcy estate with respect to 2011 Nissan Maxima.

On or about June 6, 2018, Movant, Eazy Ride Auto Sales violated the Automatic Stay in repossessing the 2011 Nissan Maxima from debtor's address at 1715 Gillespie Avenue. At the time of the repossession the Debtor was protected under the US Bankruptcy Code U.S. Code § 362 – Automatic Stay.

On June 6, 2018, Debtor, Shannon Dionne Mathis, spoke with Movant regarding bankruptcy and re-issued the Movant with another copy of the petition and was told by the Movant that I could not file the property under said bankruptcy and they had a right to repossess the property to avoid their losses and that I would have to speak with the owner moving forward. Debtor left her contact information for the owner to contact her.

On June 11, 2018, Debtor returned to Eazy Ride Auto Sales where she spoke with owner, R. Wayne Downing, Movant and spoke regarding the bankruptcy petition and possible refinance of said property.

Between the months of September 2017 and May 2018, the Debtor has made a total in payments in the amount of \$4,182.43 via cash, money order and checks (\$456.38 per month) in a nine (9) month span. Monthly payment for property is \$378.33. Note: Receipts for some cash payments were not rendered due to payments being made after hours via drop box. According to receipts issued on August 17, 2017 (Account Balance: \$14,620.76) and February 28, 2018 (Account Balance: \$10,828.33),

the Debtor had made a total of \$3,792.43 in payments to the Movant and on March 22, 2018 an official check was sent from Debtor's checking account in the amount of \$190.00 to the Movant and on May 2, 2018 a money order in the amount of \$200.00 was dropped in the Movant's drop box. The combined payments shows that the Debtor made a total in payments of \$4,182.43 to the Movant so, the Debtor was not behind on payments for said property.

Debtor accepts Movant's assertion to not reaffirm and assume the lease agreement.

Debtor asserts that the Movant wrongfully violated the automatic stay without good cause.

WHEREFORE, Shannon Dionne Mathis, respectfully requests:

- (a) That the Debtor not be responsible for the Movant's costs and attorney's fees for this action;
- (b) That the Movant be sanctioned and award the Debtor for transportation costs (\$2,396.96), lost wages for June 6, 2018 and June 7, 2018 (\$206.80 at \$12.88 per hour) and emotional distress (\$2,396.96).
- (c) That the Debtor has such other and further relief as is just and proper.

Shannon Dionne Mathis

Pro Se Debtor

Shannon Dionne Mathis Pro Se Debtor 1715 Gillespie Avenue Albany, Georgia 31707 (229) 809-9523 (c) shannon.mathis120@att.net

CERTIFICATE OF SERVICE

I, **Shannon Dionne Mathis**, do certify that I have served the Movant's attorney and the Chapter 7 Trustee with a true and correct copy of the within and foregoing Opposition to the Motion for Relief from Automatic Stay by depositing a copy of the same to each in the United States Mail in a properly addressed envelope with adequate postage thereon to:

Emmett L. Goodman, Jr. Movant's Attorney 544 Mulberry Street, Suite 800 Macon, Georgia 31201

Ms. Joy Webster Chapter 7 Trustee P.O. Box 1098 Macon, Georgia 31202

This 6th day of July 2018.

Shannon Dionne Mathis

Pro Se Debtor

Shannon Dionne Mathis Pro Se Debtor 1715 Gillespie Avenue Albany, Georgia 31707 (229) 809-9523 (c) shannon.mathis120@att.net

Exhibit 1

- (a) Lease Agreement
- (b) Receipt (02/14/2017)
- (c) Receipt (02/15/2017)
- (d) Receipt (02/20/2017)
- (e) Receipt (05/19/2017)
- (f) Receipt (08/17/2017)
- (g) Receipt (08/22/2017)
- (h) Receipt (11/01/2017)
- (i) Receipt (11/02/2017)
- (j) Receipt (12/28/2017)
- (k) Receipt (01/25/2018)
- (I) Receipt (02/16/2018)
- (m)Receipt (02/28/2018)
- (n) Bank Statement (Official Check 03/22/2018)
- (o) Money Receipt (05/02/2018)
- (p) Time Card (05/27/18-06/0918)

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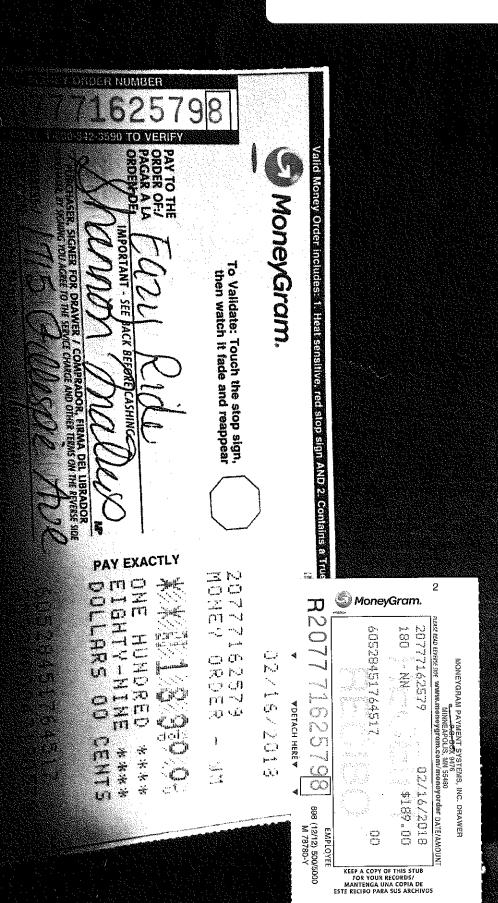
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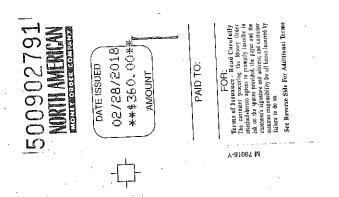
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TOTAL PAID TODAY IS \$ 360.00

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Phoebe Putney Health System, Inc.

8.00

Time Card Report for Pay Period 38: 05/27/2018 - 06/09/2018 Monday, June 11, 2018 11:25

General Information Code: 24892 Facility: PPH PPH Facility Mathis, Shannon Name: Department: 401030 Women's and Children's Administration Messages Last calculated as of - 06/11/2018 08:48. Time card has been approved by Tracey Kiesau on 06/10/2018 at 22:55. **Approval Summary** Time card has been approved by Tracey Kiesau on 06/10/2018 at 22:55. Sign Offs Supervisor Number: 14330 Name: April Little Signature: Supervisor Number: 16382 **Brittany Berry** Signature: Name: Supervisor Number: 20566 Name: Tracey Kiesau Signature: Employee Signature: Pay Distribution Summary REG1 BRV PTO 48.75 7.75 23.50 Pay Distribution Categories Standard Categories Total Hours: 80.00 **Total Dollars:** \$0.00 0.00 Total Units: Overtime Hours: Overtime Dollars: 0.00 0.00 \$0.00 Overtime Units: **User Defined Categories Productive Hours:** 48.75 Non-Productive Hours: 23.50 **Exception Summary** Date Type Message Created 06/02/2018 Calculation Hours reported in excess of Approved Hours in the week 06/10/2018 20:36 06/09/2018 Calculation Hours reported in excess of Approved Hours in the week 06/10/2018 20:36 Clocking/Calendar Pay Distribution Monday, May 28, 2018 Facility Department Job Class Position Labor Distribution Grant Project PPH 401030 87310 PPH-401030-01-87310 PTO 8.00 \$0.00 Units: Worked Hours: 8.00 Dollars: 0.00 **Total Hours:** 8.00 Dollars: \$0.00 Units: 0.00 Tuesday, May 29, 2018 Facility Department Job Class Position Labor Distribution Grant Project PPH PPH-401030-01-87310 401030 87310 REG1 8.00 Worked Hours: 0.00 8.00 Dollars: \$0.00 Units: **Total Hours:** \$0.00 Units: 0.00 8.00 Dollars: Wednesday, May 30, 2018 Labor Distribution Grant Project Facility Department Job Class Position PPH 401030 PPH-401030-01-87310 87310 REG1 8.25 Worked Hours: 8.25 Dollars: \$0.00 Units: 0.00 **Total Hours:** 8.25 Dollars: \$0.00 Units: 0.00 Thursday, May 31, 2018 Facility Job Class Position Labor Distribution Grant Project Department PPH 401030 87310 PPH-401030-01-87310 REG1

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Benefits Summary

Current Year To Date



Shannon Dronne merril 1715 Gillespie Av Albany, GA 3170